

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-11395-RCL

PATRICIA BERGEVINE,
Plaintiff,

v.

PEASE & CURREN, INC, PEASE & CURREN
MATERIALS, INC., FRANCIS H. CURREN, JR.,
ROBERT H. PEASE, JR., FRANCIS H. CURREN,
III A/K/A KIP CURREN AND MEREDITH A.
CURREN.

Defendants.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO
COMPEL PRODUCTION OF TAX RETURNS AND PLAINTIFF'S CROSS-MOTION
TO COMPEL DEFENDANTS' PRODUCTION OF TAX RETURNS AND OTHER
FINANCIAL RECORDS**

NOW COMES the Plaintiff Patricia Bergevine (the "Plaintiff") and hereby opposes the Defendants Pease & Curren, Inc., Pease & Curren Materials, Inc., Francis H. Curren, Jr., Robert H. Pease, Jr., Francis H. Curren, III A/K/A Kip Curren and Meredith A. Curren's (the "Defendants") Motion to Compel Production of Plaintiff's Tax Returns. Plaintiff also moves to compel the Defendants to produce their tax returns and other financial documents as required under Rules 34 and 37 of the Federal Rules of Civil Procedure. In support hereof, Plaintiff submits Plaintiff's Memorandum of Reasons in Support of Plaintiff's Opposition and Cross-Motion to Compel Defendants' Production of Tax Returns and Other Financial Records and the Second Affidavit of Erin Brennan, Esq.

STATEMENT OF COMPLIANCE

The Plaintiff hereby certifies that counsel for the Plaintiff has consulted with counsel for the Defendants both during a deposition and via telephone pursuant to LR, D.MASS. 7.1(A).

Counsel for the Defendants informed Plaintiff's Counsel that the Defendants will not produce the requested documents.

REQUEST FOR ORAL ARGUMENT

Pursuant to LR, D.MASS. 7.1(D), the Plaintiff respectfully requests a hearing on the matter.

CONCLUSION

Based on the foregoing, the Plaintiff respectfully requests that this Honorable Court deny Defendants' Motion and allow her Cross-Motion to Compel.

Respectfully submitted,
PATRICIA BERGEVINE,
By her attorneys,

/s/ Gregory J. Aceto
Gregory J. Aceto, Esq.
BBO No. 558556
Erin J. Brennan, Esq.
BBO No. 660097
Johnson & Aceto, LLP
67 Batterymarch Street, Suite 400
Boston, MA 02110
(617) 728-0888

Certificate of Service

I hereby certify that on October 4, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter via e-mail. I further certify that copies will be sent via U.S. Mail to all counsel in the matter who are not registered with the CM/ECF system.

/s/ Gregory J. Aceto
Gregory J. Aceto, Esq.
Johnson & Aceto, LLP
67 Batterymarch Street, Suite 400
Boston, MA 02110
Telephone: (617) 728-0888
Facsimile: (617) 338-1923
Email: aceto@johnsonaceto.com

Attorney for Plaintiff Patricia Bergevine